



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,270	08/14/1998	TAKASHI TSURUMOTO	SONYJP-3.0-0	7799

530 7590 02/27/2003

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/134,270

Applicant(s)

TSURUMOTO, TAKASHI

Examiner

Hunter B. Lonsberry

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation below.

3. ☐ Applicant's reply has overcome the following rejection(s): ____.
4. ☐ Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: ____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: ____.

Claim(s) objected to: ____.

Claim(s) rejected: 13-47.

Claim(s) withdrawn from consideration: ____.

8. ☐ The proposed drawing correction filed on ____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). ____.
10. ☐ Other: ____.


ANDREW FAILE

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

Part of Paper No. 9

Applicant argues, "Though LaJoie describes that programs and services are supplied to a cable headend through the analog and digital satellite broadcasts and sent to the set-top box, the reference does not suggest that the tables are transmitted in this manner. Rather, LaJoie only describes that as new services become available, reserved spaces or spaces within the service table 103 are assigned to the new service." (Page 2)

The examiner agrees that programs and services are transmitted to the STB via satellite. LaJoie discloses transmitting data to a headend via HFC, satellite, LAN/WAN, ADSL (Figures 1, 2, column 2, lines 52-55, column 4, lines 36-38) and in turn transmits the digital data to a two way set top box via hybrid fiber coax cable (column 9, line 38-column 10, line 41). As LaJoie utilizes HFC, the table information must be sent as digital data via HFC to STB 6.

Applicant argues that Hendricks and LaJoie do not include an index, which identifies the location of a message in another table.

The examiner directs the applicant to LaJoie, Figure 5, which includes a split parameter table 107. Split parameter table 107, references two different video sources along with a descriptive information message, which corresponds to each service type (column 16, lines 53-67). Therefore, LaJoie does teach an index which identifies the location of a message in another table.

Applicant argues, "the Examiner incorrectly asserts that LaJoie inherently places a location in the data table which specifies the source of the message as LaJoie must have a location to read such a message from" (Page 4).

LaJoie discloses that a user may press a key 136 to view another message, tune to a channel to display more information regarding a message, or activate a particular service (column 33, lines 31-61). As LaJoie discloses that the STB 6 may tune to another channel to display a message, and LaJoie teaches that the channels have a service associated with each channel in the channel map (column 16, lines 10-51), LaJoie must place a location in the channel map service table, which specifies the source of a message.